

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Minutes**

7
8 **June 13, 2008**
9

10 The Board of Educational Examiners held its monthly meeting on June 13, 2008.
11 Vice Board Chair, Thomas Paulsen, called the meeting to order and chaired the
12 meeting until the later arrival of Board Chair, Judy Jeffrey. Members attending
13 were John Aboud, Ying Ying Chen, Brad Dirks, Tammy Duehr, Jeffrey Henderson,
14 Merle Johnson, Thomas Paulsen, Greg Robinson, Jean Seeland and Bev Smith.
15 Also in attendance were Dr. George Maurer, Executive Director of the Board, and
16 Christie Scase, Assistant Attorney General. Judy Jeffrey arrived later in the
17 meeting.

18
19 Merle Johnson moved, with a second by Jean Seeland, to approve the agenda.

20 **MOTION CARRIED UNANIMOUSLY.**
21

22 Greg Robinson moved, with a second by Merle Johnson, to approve the minutes of
23 the May 1, 2008, board meeting. A discussion was held to amend the May 1, 2008,
24 minutes to reflect that the board had in the meeting directed Dr. Maurer to pursue
25 purchase of laptop computers for the Board members wanting to receive the
26 meeting information electronically. The minutes of the May 1, 2008, as amended,
27 were approved. **MOTION CARRIED UNANIMOUSLY.**
28

29 Jean Seeland moved, with a second by Tammy Duehr, that the Board go into closed
30 session for the purposes of discussing whether to initiate licensee disciplinary
31 proceedings and discussing the decision to be rendered in a contested case,
32 pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). Roll call vote: Aboud –
33 yes; Chen – yes; Dirks – yes; Duehr – yes; Henderson – yes; Johnson – yes; Paulsen

1 – yes; Robinson – yes; Seeland – yes; and Smith – yes. **MOTION CARRIED**

2 **UNANIMOUSLY.**

3
4 Ying Ying Chen moved, with a second by Tammy Duehr, that in **case number 08-**

5 **09**, the Board find probable cause to establish a violation of the following

6 provisions of the Code of Professional Conduct and Ethics, 282 IAC 25.3(1)(e)(4)

7 and order this case set for hearing. Roll call vote: Aboud – yes; Chen – yes; Dirks –

8 yes; Duehr – yes; Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes;

9 Robinson – yes; Seeland – yes; and Smith – yes. **MOTION CARRIED**

10 **UNANIMOUSLY.**

11
12 Jean Seeland moved, with a second by Ying Ying Chen, that in **case number 08-**

13 **10**, the Board find probable cause to establish a violation of the following

14 provisions of the Code of Professional Conduct and Ethics,

15 282 IAC 25.3(1)(e)(4) and order this case set for hearing. Roll call vote: Aboud –

16 yes; Chen – yes; Dirks – yes; Duehr – yes; Henderson – yes; Jeffrey – yes; Johnson –

17 yes; Paulsen – yes; Robinson – yes; Seeland – yes; and Smith – yes. **MOTION**

18 **CARRIED UNANIMOUSLY.**

19
20 Tammy Duehr moved, with a second by Jean Seeland, that in **case number 08-20**,

21 the Board find probable cause to establish a violation of the following provisions of

22 the Code of Professional Conduct and Ethics, 282 IAC 25.3(6) m, o, q and order this

23 case set for hearing. Roll call vote: Aboud – yes; Chen – yes; Dirks – yes; Duehr –

24 yes; Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes;

25 Seeland – yes; and Smith – yes. **MOTION CARRIED UNANIMOUSLY.**

26
27 Ying Ying Chen moved, with a second by Jean Seeland, that in **case number 08-**

28 **21**, the Board find probable cause to establish a violation of the following

29 provisions of the Code of Professional Conduct and Ethics, 282 IAC 25.3(6) m, o, q

30 and order this case set for hearing. Roll call vote: Aboud – yes; Chen – yes; Dirks –

31 yes; Duehr – yes; Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes;

32 Robinson – yes; Seeland – yes; and Smith – yes. **MOTION CARRIED**

33 **UNANIMOUSLY.**

1 Jean Seeland moved, with a second by Tammy Duehr, that in **case number 08-22**,
2 the Board find probable cause to establish a violation of the following provisions of
3 the Code of Professional Conduct and Ethics, 282 IAC 25.3(6) m, o, q and order this
4 case set for hearing. Roll call vote: Aboud – yes; Chen – yes; Dirks – yes; Duehr –
5 yes; Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes;
6 Seeland – yes; and Smith – yes. **MOTION CARRIED UNANIMOUSLY.**

7
8 Tammy Duehr moved, with a second by Jean Seeland, that in **case number 08-23**,
9 the Board find probable cause to establish a violation of the following provisions of
10 the Code of Professional Conduct and Ethics, 282 IAC 25.3(6) m, o, q and order this
11 case set for hearing. Roll call vote: Aboud – yes; Chen – yes; Dirks – yes; Duehr –
12 yes; Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes;
13 Seeland – yes; and Smith – yes. **MOTION CARRIED UNANIMOUSLY.**

14
15 Ying Ying Chen moved, with a second by Tammy Duehr, that in **case number 08-**
16 **24**, the Board find that, although one or more of the allegations in the complaint
17 were substantiated by the investigation and the allegations constitute a violation of
18 the Board’s rules; the evidence before the board indicates that adequate steps have
19 been taken to remedy the violation and to ensure that incidents of a similar nature
20 do not occur in the future. Taking into account these circumstances, and the
21 Board’s mission to act upon those complaints which involve a threat to the health
22 and safety of students and the public, the Board will not pursue formal disciplinary
23 action in this matter. Roll call vote: Aboud – yes; Chen – yes; Dirks – yes; Duehr –
24 yes; Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes;
25 Seeland – yes; and Smith – yes. **MOTION CARRIED UNANIMOUSLY.**

26
27 Jean Seeland moved, with a second by Ying Ying Chen, that in **case number 08-**
28 **25**, the Board find that, although one or more of the allegations in the complaint
29 were substantiated by the investigation and the allegations constitute a violation of
30 the Board’s rules; the evidence before the board indicates that adequate steps have
31 been taken to remedy the violation and to ensure that incidents of a similar nature
32 do not occur in the future. Taking into account these circumstances, and the
33 Board’s mission to act upon those complaints which involve a threat to the health

1 and safety of students and the public, the Board will not pursue formal disciplinary
2 action in this matter. Roll call vote: Aboud – yes; Chen – yes; Dirks – yes; Duehr –
3 yes; Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes;
4 Seeland – yes; and Smith – yes. **MOTION CARRIED UNANIMOUSLY.**

5
6 Tammy Duehr moved, with a second by Ying Ying Chen, that in **case number APP**
7 **08-01**, Nicholas Breuer, the Board not initiate review of the proposed decision and
8 allow the proposed decision to become the final decision of the Board unless an
9 appeal is taken by one of the parties within the time allowed by rule. Roll call vote:
10 Aboud – yes; Chen – yes; Dirks – yes; Duehr – yes; Henderson – yes; Jeffrey – yes;
11 Johnson – yes; Paulsen – yes; Robinson – yes; Seeland – yes; and Smith – yes.
12 **MOTION CARRIED UNANIMOUSLY.**

13
14 Jean Seeland moved, with a second by Tammy Duehr, that in **case number 07-22**,
15 In the Matter of Ashley Keller, the Board accept the proposed decision with the
16 following modification:

17
18 Strike the last paragraph on page 6, captioned “Decision and Order,” and
19 replace it with the following-

20
21 IT IS THEREFORE ORDERED that the Respondent’s teaching license
22 (Folder No. 970043) shall be INDEFINITELY SUSPENDED with no
23 possibility for reinstatement for five-years from the date of this Order.
24 In order to be eligible for reinstatement of her license at the conclusion of the
25 period of the suspension, the Respondent must:

- 26
27 a) Undergo a comprehensive evaluation regarding
28 professional boundary issues from a licensed mental
29 health professional at her own expense and provide the
30 Board with a written report containing recommendations
31 for treatment or education;
32
33 b) Comply with any recommendations for treatment and/or

1 training resulting from the evaluation. Prior to or at the
2 time of application for reinstatement, provide the Board
3 with a final report assessing her progress and fitness to
4 return to teaching;

- 5
- 6 c) Complete 30 contact hours of training or education
7 addressing the code of professional conduct and ethics,
8 including professional boundary issues. The coursework
9 must be approved by the Board and completed prior to
10 reinstatement. This coursework shall be obtained at the
11 Respondent's expense and shall be in addition to any other
12 continuing education required to reinstate her teaching
13 credentials.
14

15 Proceedings for reinstatement of the Respondent's license may be initiated
16 by Respondent in the form of an application for reinstatement stating facts
17 which, if established, are sufficient to prove: (1) that the Respondent has
18 complied with the terms of this Order, and (2) that it would be in the public
19 interest for the Respondent's licenses to be reinstated. The burden of proof
20 shall be on the Respondent and the Board shall have complete discretion in
21 ruling on the application.

22 Roll call vote: Aboud – yes; Chen – yes; Dirks – yes; Duehr – yes; Henderson – yes;
23 Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes; Seeland – yes; and
24 Smith – yes. **MOTION CARRIED UNANIMOUSLY.**
25

26 Ying Ying Chen moved, with a second by Jean Seeland, that in **case number 07-**
27 **39**, the Board extend the 180-day deadline for issuance of the final decision, due to
28 the need for additional time to conduct an investigation, schedule a hearing,
29 prepare a proposed decision, and review the proposed decision by the Board. Roll
30 call vote: Aboud – yes; Chen – yes; Dirks – yes; Duehr – yes; Henderson – yes;
31 Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes; Seeland – yes; and
32 Smith – yes. **MOTION CARRIED UNANIMOUSLY.**
33

1 Jean Seeland moved, with a second by Tammy Duehr, that in **case number 08-18**,
2 the Board grant the Petition for Stay of the Board Decision, and issue an Order
3 staying the Decision while the judicial review is pending in the Polk County District
4 Court. Roll call vote: Aboud – yes; Chen – yes; Dirks – yes; Duehr – yes;
5 Henderson – yes; Jeffrey – yes; Johnson – yes; Paulsen – yes; Robinson – yes;
6 Seeland – yes; and Smith – yes. **MOTION CARRIED UNANIMOUSLY.**

7
8 Dr. Maurer led the board meeting for the election of chair. Jeff Henderson moved,
9 with a second by Greg Robinson, to elect Judy Jeffrey chair. John Aboud moved,
10 with a second by Ying Ying Chen, to elect Tom Paulsen chair. Merle Johnson
11 moved, with a second by Jeff Henderson, to close nominations for chair. Ballots
12 were passed to board members and votes were announced as follows: Jeffrey –
13 Jeffrey; Dirks – Jeffrey; Robinson – Jeffrey; Paulsen – Paulsen; Duehr – Paulsen;
14 Seeland – Paulsen; Ying – Paulsen; Smith – Jeffrey; Johnson – Jeffrey; Henderson-
15 Jeffrey; Aboud- Paulsen. Judy Jeffrey was elected to chair.

16
17 Judy Jeffrey resumed charge of the board meeting and opened the floor for
18 nominations of vice chair. Merle Johnson moved, with a second by Greg Robinson,
19 to nominate Tom Paulsen vice chair. No further nominations were made. **MOTION**
20 **CARRIED UNANIMOUSLY.**

21
22 Board Reports:

23 Jeff Henderson reported on the level of destruction from the flood through Cedar
24 Rapids, Charles City, Waterloo and central Iowa as well as the devastation from the
25 tornado in Parkersburg. The water in his building is up to the roof, at least two
26 public schools in Cedar Rapids are under water including their central offices. One
27 of the schools in Charles City was also under water. He would like whatever the
28 Board can do to help people in their recovery by waiving fees to replace licenses for
29 those who lost them in the floods or tornadoes.

30
31 Jean Seeland also asked that if anyone in the effected areas of flood and/or
32 tornadoes are up for renewal soon and are unable to renew right away, if their late
33 fees can be waived.

1 Tom Paulsen reported there are a lot of ag teacher openings in the state of Iowa
2 according to the data and there are not a lot of people to replace them. He just
3 found out that they have an ag teacher that is going through the teacher intern
4 program right now.

5
6 Judy Jeffrey reported her experience at a conference she attended and the
7 discussions held regarding teacher testing and teacher shortages. Many states are
8 realizing the current situation of testing across the country is not optimal to
9 determine teacher effectiveness. They are looking at ways to better assess teachers.
10 She also reported on a meeting she attended for the 21st century skills to look at
11 licensure requirements and program requirements for teachers to determine if we
12 are adequately preparing teachers for the 21st century.

13
14 Public Comment:

15 There were no public comments.

16
17 Executive Director's Report:

18 Executive Director, Dr. George Maurer, presented the executive director's report.

19
20 Dr. Maurer reported that he did order some laptops but that the IT staff put them
21 on hold because of some technical issues and accountability issues. The problems
22 should be resolved because we have hired a technical person. A discussion was
23 held regarding the laptops, the issues surrounding the laptops and the best way to
24 deliver the information electronically. Dr. Maurer will continue to work on the
25 issues involving the laptop and will keep the board informed.

26
27 We have received the scanning equipment but are waiting for a dedicated line to be
28 installed. We should be up and running approximately mid August.

29
30 Rules:

31 Merle Johnson moved, with a second by Jean Seeland, to adopt and file the
32 changes to the following rules: Chapter 11.38 regarding Complaints,
33 investigations, contested case hearings; Chapter 14.133 regarding Requirements for

1 a Statement of Professional Recognitions (SPR); Chapter 15.10(3) regarding
2 Statement of Professional Recognitions (SPR); Chapter 15.12(3) regarding
3 Statement of Professional Recognitions (SPR); Chapter 15.19(3) regarding
4 Statement of Professional Recognitions (SPR); Chapter 17.14 regarding Renewal
5 Requirements for Statement of Professional Recognitions (SPR); Chapter 14.121(6)
6 regarding Late fees; Chapter 25.3(6)(e) regarding Standards of professional conduct
7 and ethics; Chapter 26.3(7) regarding Code of Rights and Responsibilities; Chapter
8 14.140(4) regarding English as a second language (ESL); Chapter 14.141(3)
9 regarding Business-all, 5-12; Chapter 14.132 regarding Requirements for a Class G
10 license; Chapter 14.123 regarding Requirements for an original teaching subject
11 area endorsement; Chapter 15.5 (272) regarding repeal of Educational Strategist;
12 and Chapter 11.21(3) regarding Hearing Procedures-Adopt and File Emergency.

13 **MOTION CARRIED UNANIMOUSLY.**

14
15 Jean Seeland moved, with a second by Bev Smith, to adopt and file the changes to
16 Chapter 14.140(13) regarding Talented and gifted teacher with the following
17 changes: allow C to stand, add the remainder of the crossed out language back in
18 until further discussion of the staff and it is revisited another time. **MOTION**
19 **CARRIED UNANIMOUSLY.**

20
21 Merle Johnson moved, with a second by Bev Smith, to file under Notice of Intended
22 Action, the proposed changes to the following rules: Chapter 14.106 regarding
23 Adding endorsements to licenses; Chapter 14.114 regarding Requirements for an
24 administrator's license; Chapter 15.1(2) regarding Special Education teaching
25 endorsements; Chapter 14.120(1) regarding Exchange licenses; Chapter 11.21(3)
26 regarding Hearing Procedures. **MOTION CARRIED UNANIMOUSLY.**

27
28 John Aboud moved, with a second by merle Johnson, to table the proposed
29 changes to Chapter 14.141(17) regarding Science to allow for the science committee
30 to further review the rule.

31
32 Items for Discussion:

33 The proposed changes to Chapter 14.103 regarding Applicants from recognized

1 non-Iowa institutions were discussed and will be brought back to the August
2 meeting for noticing.

3
4 The proposed changes to Chapter 14.115 regarding Requirements for a Class A
5 license were discussed and will be brought back to the August meeting for noticing.

6
7 Reports:

8 The NASDTEC Conference Report was not presented due to time constraints.

9
10 Petitions for Waiver:

11 Jean Seeland moved, with a second by Bev Smith, that in **PFW 08-09**, Jessica
12 Sherwood, the Board table the petition until a criteria is established evaluating
13 alternative programs. **MOTION CARRIED UNANIMOUSLY.**

14
15 John Aboud moved, with a second by Jean Seeland, that in **PFW 08-15**, Jennifer
16 Jungers, the Board grant the Petition for Waiver. **MOTION CARRIED**
17 **UNANIMOUSLY.**

18
19 Greg Robinson moved, with a second by Brad Dirks, that in **PFW 08-16**, Daniel
20 Fuchs, the Board deny the Petition for Waiver. **MOTION CARRIED**
21 **UNANIMOUSLY.**

22
23 Jeff Henderson moved, with a second by Merle Johnson, that in **PFW 08-17**, Dan
24 Beck, the Board deny the Petition for Waiver. **MOTION CARRIED UNANIMOUSLY.**

25
26 Greg Robinson moved, with a second by Ying Ying Chen, that in **PFW 08-18**, Emily
27 Thomson, the Board deny the Petition for Waiver. **MOTION CARRIED**
28 **UNANIMOUSLY.**

29
30 Greg Robinson moved, with a second by John Aboud, that in **PFW 08-20**, Jeff
31 Kudej, the Board grant the Petition for Waiver. **MOTION CARRIED**
32 **UNANIMOUSLY.**

1 John Aboud moved, with a second by Jean Seeland, that in **PFW 08-21**, Mary Jean
2 Annexstad, the Board grant the Petition for Waiver. **MOTION CARRIED**
3 **UNANIMOUSLY.**

4

5 Merle Johnson moved, with a second by Jean Seeland, that in **PFW 08-22**,
6 Georgiann Andersen, the Board grant the Petition for Waiver, but she must take the
7 business communication class within one year. **MOTION CARRIED**
8 **UNANIMOUSLY.**

9

10 John Aboud moved, with a second by Merle Johnson, that in **PFW 08-23**, Greg
11 Dufoe, the Board deny the Petition for Waiver. Greg Robinson abstained.
12 **MOTION CARRIED.**

13

14 Greg Robinson moved, with a second by Jeff Henderson, that in **PFW 08-24**, Diana
15 Ocheltree, the Board grant the Petition for Waiver. **MOTION CARRIED**
16 **UNANIMOUSLY.**

17

18 Greg Robinson moved, with a second by Jeff Henderson, that in **PFW 08-25**, Jane
19 Harding, the Board grant the Petition for Waiver. **MOTION CARRIED**
20 **UNANIMOUSLY.**

21

22 Jean Seeland moved, with a second by Jeff Henderson, that in **PFW 08-26**, Mark
23 Drier, the Board grant the Petition for Waiver. **MOTION CARRIED**
24 **UNANIMOUSLY.**

25

26 There being no further business, Judy Jeffrey adjourned the meeting.